



From: [Christine S. Coleman](#)
To: ["Matt Ghio"](#)
Cc: [Robert D. Younger](#); [John J. Marino](#)
Subject: RE: Gamewell v. Lafayette
Date: Wednesday, October 20, 2021 11:19:12 AM
Attachments: [image001.png](#)
[MCMAHON BERGER-#262036-v1-LFY-004 Sugg in Support Mtn Rule 35.pdf](#)
[MCMAHON BERGER-#262033-v1-LFY-004 Motion for Mental Examination.pdf](#)
[MCMAHON BERGER-#262031-v1-LFY-004 Notice of Mental Examination.pdf](#)

Matt,

Please find attached a slightly revised and finalized Notice from the draft we sent you yesterday (the location of the written examination/name of the written examination examiner was not on the draft we sent yesterday and the time of the written examination was changed from 9am to 1pm). In addition, you will find Defendant's Motion for a Mental Examination Pursuant to Rule 35 and Suggestions in Support thereto attached to this email. We will be filing this with the Court today.

Please feel free to contact me if you would like to further discuss this matter.

Sincerely,

Christine Coleman
2730 N. Ballas Road, Suite 200
St. Louis, MO 63131
(314) 567-7350 (Telephone)
(314) 567-5968 (Facsimile)
(314) 941-3446 (Cell)
coleman@mcmahonberger.com



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From: Christine S. Coleman

Sent: Tuesday, October 19, 2021 3:38 PM

To: Matt Ghio <matt@ghioemploymentlaw.com>

Cc: Robert D. Younger <younger@mcmahonberger.com>; John J. Marino
<marino@mcmahonberger.com>

Subject: RE: Gamewell v. Lafayette

Matt,

Your client's mental condition is at issue in this case in that he is seeking damages for emotional distress and there is good cause for the IME in that Plaintiff claims that Defendant caused him to have "severe panic attacks" and caused him to be diagnosed with anxiety. In addition to this, your client made claims about Rob Libera taking/attempting to take pictures of him in the bathroom (the same types of claims he makes in this case) that the Manchester PD determined were meritless – completely false. As such, there is also good cause to determine whether your client has a condition that has impacts his ability to provide reliable testimony.

What is your objection to Dr. Pribor conducting the evaluation?

Christine Coleman

2730 N. Ballas Road, Suite 200

St. Louis, MO 63131

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(314) 567-5968 (Facsimile)

(314) 941-3446 (Cell)

coleman@mcmahonberger.com



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From: Matt Ghio <matt@ghioemploymentlaw.com>
Sent: Tuesday, October 19, 2021 2:44 PM
To: Christine S. Coleman <coleman@mcmahonberger.com>
Cc: Robert D. Younger <younger@mcmahonberger.com>; John J. Marino <marino@mcmahonberger.com>
Subject: Re: Gamewell v. Lafayette

Christine, I'm out of town for my kids fall break. I'm back tomorrow at 5 pm. I've got depositions all day Thursday and Friday.

We object to the exam itself and Dr Pribor specifically.

What do you contend is the good cause for a Rule 35 exam?

Matt

On Oct 19, 2021, at 2:46 PM, Christine S. Coleman <coleman@mcmahonberger.com> wrote:

Matt,

I just left you a voicemail to discuss the attached. Please review this Notice of Mental Examination and let us know if you have any objections to the tester or to the dates of testing. We understand that Mr. Gamewell may need an accommodation for completing the written testing and we would like to discuss that with you as well.

Please note that the court's deadline for Defendant to file the request for a mental examination is tomorrow.

Thanks,

Christine Coleman

2730 N. Ballas Road, Suite 200

St. Louis, MO 63131

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(314) 567-5968 (Facsimile)

(314) 941-3446 (Cell)

coleman@mcmahonberger.com

<image001.png>

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<MCMAHON_BERGER-#262031-v1-LFY-004_Notice_of_Mental_Examination.doc>

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